

When Must The Claim Be Filed?

If you decide to file a claim, the Division must receive the claim:

- 1. Within two years after the date of the injury or, if payment was made on account of your workers' compensation injury, within two years after the last benefit payment made; or
- 2. If the employer does not timely file a report of injury with the Division, within three (3) years from the date of injury or death, or last payment was made on account of the injury or death.

Where Can I Get More Information?

Ask your employer or the workers' compensation claims representative of the employer's insurer. The name, address, and telephone number of the insurer or claims administrator must be posted at the workplace. You can also talk to an information specialist at the Division of Workers' Compensation. For additional information about the dispute management service, filing a claim, or other workers' compensation questions, please call toll-free:

1-800-775-2667

Where Are The Division Offices?

3315 West Truman Blvd., P.O. Box 58
Jefferson City, MO 65102-0058
(573) 751-4231
TDD Users Call Relay
MO. 1-800-735-2966

3102 Blattner Dr., Suite 101
Cape Girardeau, MO 63703-6348
(573) 290-5757

3311 Texas Avenue
Joplin, MO 64804-4343
(417) 629-3032

1805 Grand Avenue, Suite 400
Kansas City, MO 64108-1840
(816) 889-2481

1736 East Sunshine, Suite 610
Springfield, MO 65804-1333
(417) 888-4100

3737 Harry S. Truman Blvd., Suite 300
St. Charles, MO 63301-4096
(636) 940-3326

525 Jules St., Room 315
St. Joseph, MO 64501-1900
(816) 387-2275

111 N. Seventh St., Room 250
St. Louis, MO 63101-2170
(314) 340-6865

The Division of Workers' Compensation does not discriminate against individuals with disabilities as mandated by P.L. 101-336, the Americans with Disabilities Act. This brochure is available in Spanish, upon request.

Fraudulent action on the part of an employer, employee, or any other person, is unlawful and subject to punishment as provided by law. If you suspect fraud, contact Division of Workers' Compensation offices, or call the Fraud and Noncompliance Unit at 1-800-592-6003.

Missouri Division of Workers' Compensation
P.O. Box 58
Jefferson City, MO 65102-0058

Facts For Injured Workers



Missouri Department of
Labor and Industrial Relations
**DIVISION OF
WORKERS' COMPENSATION**

Introduction

This is a summary of the general provisions of the Missouri Workers' Compensation Law including the changes made to the law that became effective August 28, 2005. For additional information, contact an information specialist at the Division of Workers' Compensation at 1-800-775-2667. This pamphlet is not a complete statement of the workers' compensation law. It should not be relied on to answer your legal questions. The workers' compensation statutes will apply to determine the facts regarding your injury.

Hurt On The Job?

A work-related injury is a traumatic experience. If you are injured on the job or become ill as a result of your employment, the Missouri Workers' Compensation program can provide some relief from the worry and financial strain of being injured and possibly off work due to an injury.

Missouri law requires most employers to carry insurance, which pays for medical treatment and lost time benefits for employees who are injured on the job. The law requires prompt payment of benefits at no cost to you if you sustain a work-related injury covered under the law.

Who Is Covered?

If you are employed in the construction industry, your employer must have workers' compensation insurance, if the employer has one or more employees. Employers in other types of business must carry insurance if they have five or more employees. Railroad, postal, and maritime workers are covered by federal laws.

The Missouri Workers' Compensation Law does not apply to employment of farm labor, domestic servants in a private home, occasional labor performed for a private household, qualified real estate agents and direct sellers, certain unpaid volunteers, certain inmates, and certain individuals working for amateur youth programs.

What Is Covered?

All injuries and occupational diseases must meet the standard of work being "the prevailing factor" in causing the injury or disease and the injury must arise out of and in the course of employment. Idiopathic injuries that result from an unknown cause are not covered. Certain injuries that occur when the employee is going to and from work are excluded.

What Do I Do If I Am Injured?

Report the injury immediately to your employer or supervisor and provide information about the injury – what, where, when, and how it happened. Your employer or supervisor should arrange medical treatment and file the necessary reports with the Division. Prompt reporting is the key. Insure your right to benefits by a written notice of every injury, no matter how slight.

Failure to report your injury to your employer may jeopardize your ability to receive workers' compensation benefits. To assure your right to benefits for which you may be eligible, notify your employer of the injury in writing within 30 days.

What Are The Benefits?

Missouri law provides three kinds of workers' compensation benefits:

- ♦ **Medical care to treat the injury** – All costs for authorized medical testing and treatment, prescriptions and medical devices are covered. There is no deductible and all costs are paid by your employer or its workers' compensation insurance company. If you do receive a bill, contact your employer, or insurer immediately.

The employer or the insurer, on behalf of the employer, has the right to choose the healthcare provider. The employer and insurer are not required to pay for treatment the employee seeks or selects without their authorization. However, the employer and insurer may authorize you to see your own doctor. You should check with the

employer and insurance company with respect to any medical treatment you seek.

When an employee is required to submit to treatment at a place outside of the local or metropolitan area from the employee's principal place of employment, the employee is entitled to payment for necessary and reasonable expenses. In no event is the employer or insurer required to pay transportation costs of more than 250 miles each way from the place of treatment.

In addition, the employer/insurer may offer physical rehabilitation services to assist you in returning to work. This is an extension of medical treatment – for example, physical therapy to strengthen muscles.

- ♦ **Payments for lost wages** – Most injuries only keep you from working temporarily and you may be eligible for temporary total disability payments until the doctor says you are able to return to any form of employment and not merely the job you were doing at the time of accident. If you return to work on light duty at less than full pay, you may be eligible for temporary partial disability payments.

- ♦ **Compensation for permanent disability** – Once a doctor has determined that you have reached maximum medical improvement (you are as well as you can be), and that you have a permanent disability, you may be entitled to receive a permanent disability payment. If the disability is less than total disability, you receive a lump sum settlement based upon the extent of the disability. The law contains guidelines to determine the amount of payment. If the disability is permanent total disability, you may receive case payments for life or a lump sum settlement.

How Much Are The Benefit Payments?

- ♦ The benefits provided for temporary total disability are calculated at sixty-six and two-thirds percent (66 2/3 percent) of the injured worker's average weekly wage, not to exceed a maximum amount set by law. This is determined based on your gross wages (your pay before taxes).

- ♦ Compensation is not paid for the first three days you are unable to work. If you are unable to work for more than 14 days, the "three-day waiting period" is paid.

- ♦ If you suffer from a permanent partial disability, you may receive a lump sum payment based upon the amount of disability.

- ♦ If you are permanently and totally disabled, you may receive periodic payments or a lump sum settlement. The amount of the payment is based upon the amount of your earnings at the time of the injury.

- ♦ Disability payments and medical bills are paid by your employer's workers' compensation insurance. If a medical bill is not paid or you do not receive a disability check in a timely manner, contact your employer and insurer.

- ♦ Workers' compensation payments are tax-free.

What If There Is A Problem?

If you think you have not received all benefits due you, contact your employer or the insurance company.

If the problem cannot be resolved, you may wish to take advantage of the dispute management service provided by the Division of Workers' Compensation, have a conference before an administrative law judge, or you may wish to file a Claim for Compensation.

The dispute management service is a voluntary informal process to help the parties arrive at a resolution to the problem. For additional information call (573) 526-4951, toll-free for injured employees 1-800-775-2667, or toll-free for employers (888) 837-6069.

To appear before an administrative law judge, please contact the Workers' Compensation office nearest you or visit the Division's web site.

If you wish to file a claim with the Division of Workers' Compensation, a Claim for Compensation (Form WC-21) must be used. This form may be obtained at any office of the Division of Workers' Compensation or on the web site at www.dolir.mo.gov/wc.

For additional information about a settlement, filing a claim or other workers' compensation questions, please call 1-800-775-2667.